

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RONALD WAYNE SHUGART

PETITIONER

VS.

CIVIL ACTION NO. 5:08-cv-159(DCB)
Criminal No. 5:05-cr-6(DCB)(JCS)

UNITED STATES OF AMERICA

RESPONDENT

ORDER

This cause is before the Court on the respondent United States of America's motion to require affidavit from petitioner's former defense counsel, and to extend time to file response. Having carefully considered the petitioner's motion to vacate and the respondent's present motion, the court finds that the petitioner alleges ineffective assistance of counsel in this cause, that the petitioner has waived his right to claim an attorney-client privilege in regard to these proceedings, and that the respondent's motion is well-taken.

Accordingly,

IT IS HEREBY ORDERED that the respondent United States of America's motion to require affidavit from petitioner's former defense counsel, and to extend time to file response (**docket entry 136** in criminal no. **5:05cr6**) is GRANTED;

FURTHER ORDERED that the government shall furnish a copy of the petitioner's motion to vacate to former counsel for the petitioner, Kathryn N. Nester, Esq., and said counsel shall respond within thirty days of this Order by written affidavit to the

allegations made by the petitioner, with a copy of the affidavit to the government. The government shall submit its response to the motion to vacate no later than thirty days after the submission of the above-referenced affidavit.

SO ORDERED, this the 30th day of June, 2010.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE